

# MONTANA VISIBILITY PROTECTION PLAN

## March 21, 2006 Stakeholder Meeting #5 Notes

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<u>Department Staff:</u>	<u>Stakeholder in Person:</u>	<u>Stakeholders on Phone:</u>
Bob Habeck	Anne Hedges – MEIC	Brian Mitchell - NPS
Bob Jeffrey	Bernie Gieser - ExxonMobil	Thomas Dzomba – USFS
Cyra Cain	Bill Michels – Glacier N.P.	John Notar - NPS
John Coefield	Don Allen - WETA	
Jim Carlin	Joe Lierow – Bison Eng.	
Julie Merkel	Jeff Briggs – Smurfit-Stone	
	Steve Wright – CFAC	
	Bud Clinch – MT Coal Council	
	Randall Richert - ConocoPhillips	

### WELCOME AND INTRODUCTIONS

To start the meeting, the Montana Department of Environmental Quality (Department) reviewed the agenda. The Department mentioned the visibility rule and associated documents can be found at the Department's visibility website:

<http://www.deq.mt.gov/AirQuality/Visibility.asp>

The Department stressed the concept that Stakeholder meetings are open work sessions that allow participants to ask questions, propose revisions, and submit material. The Department also offered one-on-one attention to any stakeholder who desires additional information / assistance.

## **MONTANA BART RULE / VISIBILITY PLAN TIMELINE**

Bob Jeffrey reviewed revisions to the visibility plan timeline including the initiation of the public comment period (March 19<sup>th</sup> through April 21, 2006) for the MT CALPUFF modeling protocol. Stakeholders are encouraged to review this document and submit comments. The Department is still on track to initiate BART rule before the Board of Environmental Review (BER) on July 21, 2006.

The states of Colorado (CO) and North Dakota (ND) are finalizing their respective state's BART rule processes. In particular, North Dakota is on a fast track for adopting the federal rule and for submitting proposed BART determinations to EPA for approval. In fact, ND is scheduled to have the BART determinations approved and submitted to EPA by September 2006. The Department posted both CO and ND BART rules on the Department's visibility website.

## **BEST AVAILABLE RETROFIT TECHNOLOGY (BART)**

Bob Jeffrey reviewed the draft Montana Visibility Plan timeline and proposed BART rule version #4 revisions. These two documents are posted on the Department's visibility website:

<http://www.deq.mt.gov/AirQuality/Visibility.asp>

Bob Habeck updated stakeholders on the status of the 'more stringent than federal rule' provisions, namely (1) using PTE in lieu of actual emissions in the CALPUFF model when determining visibility impacts; and (2) extending the applicability of the BART rule to Class II areas. To date, no decision has been made to include these provisions.

The Department intends to pursue preliminary modeling to better understand the potential impacts of these provisions. As part of the rulemaking process, if the proposed BART rule is more stringent than federal regulations, the Department is required to disclose both qualitative and quantitative information to satisfy statutory requirements.

## **STAKEHOLDER QUESTIONS FOR BART PRESENTATION**

**Don Allen:** How does the CALPUFF model differentiate between states/sources to determine who is responsible for visibility impacts?

**DEQ:** CALPUFF modeling will be used determine visibility impacts. However, states work together using the WRAP CMAQ regional model to apportion emissions from each source. BART does not target specific emissions

reductions, but will result in emissions reductions decrease visibility impacts. If further emissions reductions are required beyond BART to demonstrate visibility protection, states approach to additional emissions reductions.

**Anne Hedges:** NEW RULE III(7) should be clarified to ensure any potential back-and-forth information exchange is still predominantly within the 120-day Department review period. It should also be clarified that exceeding the 120-day Department review period may occur, but would be considered an exceptional event due to a source request for information that requires additional time.

**DEQ:** The Department will clarify NEW RULE III (7).

**Anne Hedges:** Why is the Department the arbitrator for NEW RULE III (12) and (13)? I wouldn't think the Department would be a fair reviewer of the Notice of BART Determination. The BER should be the forum to petition for a stay.

**DEQ:** The final BART determination would be memorialized as an Administrative Order issued by the Department. Therefore, it was thought the arbitrator could be the issuing agency (Department) – much like a BER order may be appealed and heard by the BER. The Department will research the matter of using the BER for any administrative appeal.

**Bill Michels:** In reference to NEW RULE III (14), are the requirements to implement BART applicable to the “owner or operator” or to the emitting unit subject to BART? What if the ownership changes within the five year period when BART is to be installed?

**DEQ:** BART is applicable to the emitting unit(s) and must be installed within five years of EPA's determination regardless of ownership. The Department will review the use of the term “owner or operator” in this context and edit as necessary for clarity.

**Anne Hedges:** I find the ‘stay’ language in NEW RULE III(13) is antiquated. As it stands, I would oppose it. I will try to submit updated stay language for the Department to consider.

**DEQ:** The Department mirrored the stay language from the preconstruction permitting rules in response to an earlier stakeholder comment. The Department welcomes the opportunity to review alternative stay language for the BART rule.

**Bernie Gieser:** I see a difference between a BART-eligible source and a BART-eligible unit. How does the Department see the difference?

**DEQ:** The Department distinguishes between a “BART Eligible source” and an emitting unit subject to BART. **NOTE:** It was understood that DEQ and Bernie were using the terms in the same manner.

## **CALPUFF MODELING QUESTIONS AND ANSWERS**

John Coefield reviewed the CALPUFF modeling protocol. He presented an example spreadsheet from Colstrip to illustrate how emissions are calculated and how the models will be used to determine BART determination. The example spreadsheet can be found under the Department’s visibility website – March 21, 2006 Stakeholder Meeting materials.

## **POTENTIAL BART-ELIGIBLE SOURCE QUESTIONS & ANSWERS**

Julie Merkel updated the group on her progress. Emissions submitted from sources are in the modelers’ hands. Julie is now reviewing the Minnesota BART review guidance to determine how this might be used in Montana. Julie is also reviewing the criteria for determining BART – what constitutes BART, technological feasibility, etc.

**Anne Hedges:** Does EPA intend to establish a BART clearinghouse?

**DEQ:** BART is a one-time shot; not ongoing. California may initiate a BART clearinghouse. The Department does not know whether EPA will sponsor a site.

## **NEXT STEPS**

- (a) Public comment period on Draft CALPUFF Model Protocol: 3/19-4/21/06.
- (b) Revised DEQ Draft BART Rule #5 out by 4/12/06.
- (c) Stakeholder #6 Meeting – BART Rule on 4/18/06.
- (d) Continue CALPUFF screening runs on potential BART sources.
- (e) BART rulemaking process initiation by 7/21/06.
- (f) Visibility Website / Contact information:
  - 1. Federal Regional Haze Rule;
  - 2. WRAP Committees and Forums; and
  - 3. EPA Reasonable Further Progress Goals.
- (g) Additional Interested Parties as Stakeholders.